

as he may be able to do for the payment of subsistence and of the frontier organization provided the forces so organized are not to be withdrawn from the control of the governor and officers appointed by him." Adopted. Amend by striking out 1st section giving appropriate members to the other sections. Carried. The resolution was then ordered to be engrossed. Rule suspended. Read 3rd time and passed.

A bill to define and punish offenses committed within this state by persons under the protection of the public enemy. Read 2nd time. Mr. Hord moved to lay on table, lost. The bill was then ordered to be engrossed.

A bill to define and punish the unlawful interference with the transportation and exportation of cotton or other articles. Read 3rd time. Mr. Dickson offered the following amendment: Provided that parties who have in good faith purchased exemptions for the transportation of cotton and turned over to the military authorities of the Trans-Mississippi Department a portion of their cotton to secure the same, where the same has been done previous to the passage of this act, shall not be held liable to the pains and penalties herein contained for the use of the said permits in conformity with the contract under which they were granted. Mr. Dickson then moved to postpone further consideration until Thursday next at 10 o'clock A.M.

The Senate then adjourned until 8 o'clock A.M. tomorrow.

Wednesday, May 18, 1864

8 o'clock A.M.

Senate met. Prayer by the Chaplain, roll called, quorum present. The Journal of yesterday was read and adopted.

Mr. Harcourt, Chairman of the Judiciary Committee, made a report on the bill providing subsistence for families of soldiers, recommending its reference to the Committee on State Affairs.

The Committee on Engrossed Bills reported the following correctly engrossed:

Joint resolution in regard to frontier organization and a bill to define and punish offenses committed within this state by persons under the protection of the public enemy.

The Committee on Military Affairs, Mr. Throckmorton, Chairman, reported a bill supplementary to an act to pro-

vide for the protection of the frontier and turning over the frontier regiment to Confederate States service appointed December 15, 1863. Read 1st time.

The following reports were presented by the Committee on State Affairs:

Committee Room, May 16, 1864

To the Honorable F. S. Stockdale, President of the Senate:

A majority of the Committee on State Affairs to whom was referred "a bill to protect the rights of the citizens of this state" have instructed me to report the same back and to recommend that it be indefinitely postponed.

Respectfully,

E. R. Hord

One of the Committee

Minority Report

Honorable F. S. Stockdale, President of the Senate:

Your minority of your Committee on State Affairs on the consideration of the bill to be entitled an act to protect the rights of the people of Texas, have been unable to agree in the report of the majority in this that they think the report should have recommended the passage of the bill for the reason first, that as a measure of policy it is bad because experience shows that the tender age of boys 17 and 18 is not sufficient to stand the hardships of camp life and camp diseases, and to place them there by conscription is to victimize the helpless, who are [not] capable of aiding in our struggle. It would thin the ranks of our army when in their turn they should take the field.

It is bad policy because it subtracts that force from the producing department which is already below the means of a sufficient subsistence. Boys of that age have generally fathers and brothers in the field, and are needed at home for the support of their mothers and younger members of the family to renew the means of paying their fathers' tax, and the means of his living in camp.

Secondly, it is an act of the Confederate government unauthorized by the Constitution and a violation of the authority of the state, reserved in the 10th amendment, and in violation of the rights of the citizen secured by the 5th amendment.

The minority of your committee are of the opinion that

these open and unequivocal violations of the rights of the citizen and the State should be promptly met by this Legislature and repulsed and if unpleasant it will avoid an aggravation of the complaints which will inevitably result in a greater calamity.

For these reasons, this minority believe the majority report should be laid on the table and bill passed. All of which is respectfully submitted.

S. A. White

J. G. Davis

Mr. Peck was added to Committee on Finance and Committee on Engrossed Bills.

Mr. Davis from Committee on Military Affairs reported the joint resolution complimentary to Lieutenant General Smith and recommended its passage.

Mr. Wootten introduced a bill to regulate the election of Chief Justice and Associate Justices of Supreme Court. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Guinn offered the following. *Resolved*, That the resolution adopted by the Senate excluding private or local business be rescinded. Laid over 1 day.

A bill to punish unlawful interferences with the exportation or transportation of cotton or other articles. Read 2nd time. Mr. Dickson withdrew his motion to postpone to a certain day whereupon the question arose upon the adoption of the amendment offered by him. The yeas and nays stood thus:

Yeas—Messrs. Beasley, Burney, Charlton, Davis, Dickson, Durant, Ford, Guinn, Haskell, Hord, Jordan, Jowers, Kinsey, Lea, Magoffin, Moore of Davis, Moore of Bastrop, Peck, Quayle, Throckmorton, Weatherford, and Wootten—23.

Nays—Messrs. Cooley, Harcourt, Hartley, Knox, Parsons, Selman, and White—7.

Mr. Selman then offered the following amendment: Sec. 2. If any person or persons not authorized by law shall impress or attempt to impress any species of property within the State of Texas for any purpose whatever or having impressed the same shall not have done so in strict accordance with existing laws and legal regulations as to the manner of impressments and compensation allowed shall

be deemed guilty of the offense defined in the 1st section of this act and on conviction thereof in the District Court shall be fined or punished accordingly. The Senate then adjourned until 3 o'clock P.M.

3 o'clock P.M.

Senate met, roll called, quorum present.

Mr. Selman by leave withdrew his amendment and offered the following:

Section 2. If any person or persons shall in any manner not sanctioned by law impress or attempt to impress any property within the State of Texas for any purpose whatever, or shall aid, assist, encourage, order, or abet any person or persons so to do, or having impressed any property shall fail or refuse to pay a just compensation for the same or give such evidence of the impressment as required by law such person or persons shall be deemed guilty of an offense and on conviction thereof shall be punished by fine not exceeding double the value of the property and by confinement in the county jail for a period not exceeding one year at the discretion of the jury. Adopted by the following vote:

Yeas—Messrs. Beasley, Burney, Cooley, Davis, Dickson, Durant, Ford, Guinn, Harcourt, Hartley, Haskell, Hord, Jowers, Kinsey, Knox, Lea, Magoffin, Moore of Davis, Montague, Peck, Quayle, Selman, Throckmorton, Weatherford, Wootten, and White—26.

Nays—Mr. Parsons—1.

Mr. Hartley then moved to strike out 1st section. Mr. Harcourt moved to lay the motion on the table. Carried by the following vote:

Yeas—Messrs. Beasley, Burney, Cooley, Dickson, Durant, Harcourt, Haskell, Hord, Magoffin, Moore of Bastrop, Montague, Peck, Quayle, Selman, Throckmorton, Weatherford, Wootten, and White—18.

Nays—Messrs. Hartley, Lea, and Parsons—3.

The bill was then passed by the following vote:

Yeas—Messrs. Beasley, Burney, Cooley, Dickson, Durant, Harcourt, Hartley, Haskell, Hord, Jordan, Moore of Bastrop, Montague, Peck, Quayle, Selman, Throckmorton, Weatherford, Wootten, and White—19.

Nays—Messrs. Charlton, Davis, Ford, Guinn, Jowers,

Kinsey, Knox, Lea, Magoffin, Moore of Davis, and Parsons—11.

Mr. Dickson then moved to reconsider the vote just taken and to lay that motion on the table. Whereupon Mr. Guinn moved a call of the Senate which was sustained, the Senate being full, the yeas and nays were called on the motion to lay on table. Motion to reconsider stood thus:

Yeas—Messrs. Beasley, Burney, Cooley, Dickson, Durrant, Ford, Harcourt, Haskell, Hord, Jordan, Jowers, Magoffin, Moore of Davis, Moore of Bastrop, Montague, Peck, Quayle, Selman, Throckmorton, Weatherford, Wootten, and White—22.

Nays—Messrs. Charlton, Davis, Guinn, Hartley, Kinsey, Knox, Lea, and Parsons—8.

Mr. Hartley by leave changed his vote on the final passage of the bill.

The following communications from His Excellency the Governor.¹ Here insert "AX," "BX," "CX." The first was referred to Committee on Finance, the second to Committee on Military Affairs, and the third to Committee on Military Affairs.

The Senate then adjourned until 8 o'clock A.M. tomorrow.

Thursday, May 19, 1864

8 o'clock A.M.

Senate met. Prayer by the Chaplain, roll called, quorum present. The Journal of yesterday was read and adopted.

Mr. Quayle presented petition of citizens of Tarrant County relative to subsistence of soldiers' families. Referred to Finance Committee.

The Finance Committee, Mr. Lea, Chairman, made the following report:

The Committee on Finance, to which was referred so much of the Governor's first message of this session as relates to the currency, has considered the subject, and now reports in part thereon by presenting herewith a bill to be entitled an act to regulate the reception and disposal of certain funds therein described.

Considering the reasons for promptly adopting some such measure is too manifest to need exposition, the Committee recommends the speedy passage of the bill.

Pryor Lea, Chairman

¹These reports cannot be located in the Archives.